# CALIFORNIA STATE PERSONNEL BOARD MEETING\* 801 Capitol Mall Sacramento, California

<u>Public Session Location</u> - Room 150 Closed Session Location - Room 141

FULL BOARD MEETING MINUTES\*\*

February 10, 2004

### PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

BOARD MEMBERS PRESENT:

Ron Alvarado, Vice President Anne Sheehan, Member Maeley Tom, Member

2. REPORT OF THE EXECUTIVE OFFICER - Laura Aguilera, Interim Executive Officer

The Board was advised of the following:

A. The State Personnel Board has been requested to appear before the State Senate Select Committee on Government Oversight on Thursday, March 4, 2004. In preparation for the hearing, staff is providing written responses to questions posed by the chair, Senator Jackie Speier. The State Personnel Board has previously provided the committee members with clarifying information on issues that surfaced during the January 20-21, 2004 hearings of the Senate Select Committees on Government Oversight and

http://www.spb.ca.gov/calendar.htm

<sup>\*\*</sup> The State Personnel Board Summary Minutes can be obtained at the following Internet address:

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- California Correctional Systems on Correctional Investigations.
- B. George Valverde has been appointed Undersecretary for the State and Consumer Services Agency.
- C. The Senate Rules Committee has scheduled a confirmation hearing for Frank (Fred) Aguiar, Secretary, State and Consumer Services Agency on February 25, 2004.
- 3. REPORT OF THE CHIEF COUNSEL Elise Rose

The Chief Counsel Reported on the following:

### Litigation

A. State Personnel Board (SPB) v. California State

Employees Association (CSEA) & Department of

Personnel Administration (DPA) - SPB is finalizing
its reply to the opposition to its petition for
review in the California Supreme Court. SPB has
asked the Court to review the decision of the Court
of Appeal that upheld as consistent with the merit
principle, the provisions of the collective
bargaining agreements that provide for appointments
and promotions of eligible candidates to be based
on seniority. CSEA has filed an opposition to the
petition for review. DPA has not filed an
opposition to date.

### Other:

- A. Chief Counsel Elise Rose attended California General Counsel Association meeting hosted by Charles Kelso and Governor's representative.
- 4. REPORT ON LEGISLATION

No report given.

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### 5. ORAL ARGUMENT

Oral Argument in the matter DORYANNA ANDERSON-JOHNSON, CASE NO 00-1687A. Appeal from denial of reasonable accommodation.

California Rehabilitation Center - Norco.

Persons Participating:

Michael R. Skow, Staff Counsel, representing Department of Corrections
Jesse S. Salas, Attorney, representing appellant

ACTION: Submitted.

### 6. ORAL ARGUMENT

Oral Argument in the matter of TIMOTHY BOBITT, CASE NO. 02-2856. Appeal from suspension. Department of Justice.

Persons Participating:

Susan E. Slager, Deputy Attorney General, representing Department of Justice Jolie Poper, Legal Counsel, California Union of Safety Employees, representing appellant

ACTION: Submitted.

### 7. ORAL ARGUMENT

Oral Argument in the matter of SAMUEL BRYANT, CASE NO. 00-4238. Appeal from dismissal. Department of Youth Authority.

Persons Participating:

Marguerite Seabourn, Assistant Chief Counsel, Department of Personnel Administration, representing California Youth Authority Samuel Bryant, Pro Per, California Youth Authority

ACTION: Dismissal sustained.

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### 8. ORAL ARGUMENT

Oral Argument in the matter of FRANK GARCIA, CASE NO. 03-1906. Appeal from dismissal. Department of Transportation.

### Persons Participating:

Mike O'Hanlon, Labor Relations Officer, representing Department of Transportation Sol Allen, Business Representative, International Union of Operating Engineers, representing appellant

ACTION: Submitted.

### 9. ORAL ARGUMENT

Oral Argument in the matter of ROBERT GREER, CASE NO. 02-3624. Appeal from dismissal. Department of Corrections.

### Persons Participating:

Linda Buzzini, Labor Relations Counsel, Department of Personnel Administration, representing Department of Corrections

Chris Uyemura, Staff Legal Counsel, California Correctional Peace Officers Association, representing appellant

ACTION: Dismissal sustained.

### 10. ORAL ARGUMENT

Oral Argument in the matter of THEODORE HUGHING, CASE NO.03-0354. Appeal from Medical Termination. Department of Developmental Services.

### Persons Participating:

Terry Slover, Labor Relations Specialist, representing Department of Developmental Services Nellie D Lynn, Labor Relations Representative, Association of California State Supervisors, representing appellant

ACTION: Submitted.

### 11. HEARING

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Hearing in the matter of PSC NO'S 03-09 & 03-10. Appeal of the California Department of Insurance from the Executive Officer's August 15, 2003, disapproval of contracts with Strumwasser & Woocher and Bartko, Zankel, Tarrant & Miller, for legal services in response to the review request filed by California Attorneys, Administrative Law Judges and Hearing Officers (CASE).

### Persons Participating:

Elizabeth Mohr, Assistant Chief Counsel, representing Department of Insurance Steve Bassoff, Attorney, representing CASE

ACTION: Submitted.

12. ALEJANDRO GARZA AND ROBIN CORRALEJO REPRESENTING THE JOINT LABOR MANAGEMENT COMMITTEE ON DISCRIMINATION TO FORMALLY PRESENT THE REPORT TO THE CALIFORNIA STATE PERSONNEL BOARD, CIVIL SERVICE DIVISION, CSEA/SEIU, LOCAL 1000, AND DEPARTMENT OF PERSONNEL ADMINISTRATION, NOVEMBER 2003.

### Persons Participating:

Robin Corralejo, Equal Employment Officer, CalPers, representing Department Of Personnel Administration; Alejandro Garza, co-chair, Joint Labor Management Committee On Discrimination; Kathleen O'Connor, Senior Labor Relations Representative, California State Employees Association (CSEA), and Katherine Cervan-Peterson, co-chair, Joint Labor Management Committee On Discrimination. Other speakers included Al Rojas, CSEA, Retirees Division and Mike Roskey, CSEA, Lavender Committee.

### BOARD ACTIONS

13. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF JANUARY 28, 2004

ACTION: Adopted on February 10, 2004 VOTE: Alvarado, Sheehan, Tom - Aye

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### 14. ACTION ON SUBMITTED ITEMS

(See Minutes page 20)

These items have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting. This list does not include evidentiary cases, as those cases are listed separately by category on this agenda under Evidentiary Cases.

### 15. EVIDENTIARY CASES

On February 10, 2004, the Board adopted by vote as indicated below, the following decisions presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Alvarado, Sheehan, Tom - Aye

### A. BOARD CASES SUBMITTED

These cases have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting.

RICHARD COELHO, CASE NO. 02-1796R Appeal from constructive medical termination Fish and Game Warden Department of Fish and Game NO ACTION

CYNTHIA GEORGE, CASE NOS. 02-4017 & 03-1058 Appeal from a two-week and a three week suspension Administrative Law Judge Unemployment Insurance Appeals Board NO ACTION

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### B. CASES PENDING

### • Oral Arguments

These cases are on calendar to be argued at this meeting or to be considered by the Board in closed session based on written arguments submitted by the parties.

DORYANNA ANDERSON-JOHNSON, CASE NO. 00-1687A Appeal from denial of reasonable accommodation Correctional Lieutenant California Rehabilitation Center - Norco Department of Corrections NO ACTION

TIMOTHY BOBITT, CASE NO. 02-2856 Appeal from suspension Senior Special Agent in Charge Department of Justice at Sacramento NO ACTION

SAMUEL BRYANT, CASE NO. 00-4238 Appeal from dismissal Youth Correctional Officer Department of Youth Authority ACTION: Dismissal sustained.

FRANK GARCIA, CASE NO. 03-1906 Appeal from dismissal Caltrans Highway Maintenance Worker Department Transportation NO ACTION

ROBERT GREER, CASE NO. 02-3624 Appeal from dismissal Medical Technical Assistant Calipatria State Prison Department of Corrections ACTION: Dismissal sustained.

THEODORE HUGHING, CASE NO. 03-0354
Appeal from Medical Termination
Food Service Supervisor I
Department of Developmental Services
NO ACTION

MAMIE JONES, CASE NO. 02-4441

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Written argument only, neither party will appear
Appeal from ten-percent reduction in salary for five months
Dispatcher Clerk
Department of Transportation - LA
NO ACTION

### C. CHIEF COUNSEL RESOLUTIONS

### • Court Remands

These cases have been remanded to the Board by the court for further Board action.

NONE

### • Stipulations

These stipulations have been submitted to the Board for Board approval, pursuant to Government Code, section 18681.

NONE

# D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS

### • Proposed Decisions

These are ALJ proposed decisions submitted to the Board for the first time.

ARMANDO AGUIRRE CASE NO. 03-2376 Appeal from demotion Correctional Sergeant Ironwood State Prison - Blythe Department of Corrections ACTION: Demotion revoked.

BERTHA ARROYO, CASE NO. 03-2908 Appeal from dismissal Correctional Officer Corcoran State Prison - Corcoran Department of Corrections ACTION: Dismissal sustained.

CALIFORNIA ASSOCIATION OF PSYCHIATRIC TECHNICIANS (CAPT), CASE NO. 02-3472E

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Request for reconsideration and appeal from the Executive Officer's August 5, 2002 disapproval of seven contracts

Psychiatric Technician services

Department of Corrections

ACTION: Request for reconsideration granted and the contracts are approved.

GLEN CHARGUALAF, CASE NO. 03-2080 Appeal from dismissal Correctional Officer Valley State Prison - Soledad Department of Corrections ACTION: Dismissal sustained.

ANDREW CIRNER, CASE NO. 03-2241E
Appeal from denial of request for reasonable accommodation
Senior Psychiatric Technician
Department of Mental Health
ACTION: Administrative Law Judge's proposed decision rejected by Board. Board to decide case itself.

ROSALINA CUBANGBANG, CASE NO. 03-2692
Appeal from five-percent reduction in salary for six qualifying pay periods
Correctional Sergeant
Calipatria State Prison - Calipatria
Department of Corrections
ACTION: Five-percent reduction in salary for six qualifying pay periods sustained.

JENNIFER KILL, CASE NO. 02-2164B
Appeal for determination of back salary,
benefits and interest
Supervising Cook
California Correctional Institution - Tehachapi
Department of Corrections
ACTION: Administrative Law Judge's proposed
decision rejected by Board. Board to decide
case itself.

SAUNDRA M. LOFTON, CASE NO. 03-3245 Appeal from suspension for

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thirty-calendar-days
Food Service Supervisor I
Department of Developmental Services
ACTION: Thirty-calendar-days suspension
sustained.

DENNIS MCFARLAND, CASE NO. 02-3718

Appeal from three-days suspension

Facilities Maintenance Mechanic

California State University - San Marcos

ACTION: Three-days suspension sustained.

KEVIN MCNEAL, CASE NO. 03-1274

Appeal from twenty-five-days suspension

Correctional Officer

California State Prison - Lancaster

Department of Corrections

ACTION: Twenty-five-days suspension sustained.

MARGARET A. MEJIA, CASE NO. 03-1848
Appeal from dismissal
Psychiatric Technician (Safety)
Department of Mental Health
ACTION: Administrative Law Judge's proposed decision rejected by Board. Board to decide case itself.

JOE ORTEGA, CASE NO. 03-1225
Appeal from sixty-days suspension
Correctional Officer
California State Prison - Lancaster
Department of Corrections
ACTION: Sixty-days suspension sustained.

VIRGINIA PARKER, CASE NO. 03-0325
Appeal from demotion
Correctional Lieutenant
Ironwood State Prison - Blythe
Department of Corrections
ACTION: Administrative Law Judge's proposed
decision rejected by Board. Board to decide
case itself.

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Appeal from demotion Caltrans Maintenance Supervisor Department of Transportation ACTION: Demotion revoked.

ANTHONY WATTS, CASE NO. 03-2402
Appeal from official reprimand
Correctional Officer
Pleasant Valley State Prison
Department of Corrections
ACTION: Official reprimand revoked.

CHRISTOPHER WINTERS, CASE NO. 03-2662
Appeal from two-working-days suspension
Inspector of automotive equipment
California Highway Patrol
ACTION: Two-working days suspension revoked.

# • Proposed Decisions Taken Under Submission At Prior Meeting

These are ALJ proposed decisions taken under submission at a prior Board meeting, for lack of majority vote or other reason.

NONE

Proposed Decisions After Board Remand

NONE

Proposed Decisions After SPB Arbitration

NONE

### E. PETITIONS FOR REHEARING

DEBRA CANDLER - CASE NO. #03-2078P
Appeal from thirty-days suspension
Parole Agent I
Department of Corrections - LA
Petition for rehearing filed by
Respondent to be granted or denied
ACTION: Petition for rehearing filed by
Respondent denied.

Xuguang Leng, CASE NO. 01-4006P

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Appeal of Whistleblower Retaliation Utilities Engineer Public Utilities Commission ACTION: Petition for Rehearing filed by Appellant denied.

GEORGE MRVICHIN, CASE NO. 02-4089P Appeal of Whistleblower Retaliation Athletic Trainer/Instructor Los Angeles Community College District ACTION: Petition for Rehearing filed by Appellant denied.

Whistleblower Notice of Findings
The Board will vote to grant or deny a petition
for rehearing filed by one or both parties,
regarding a Notice of Findings issued by the
Executive Officer under Government Code, section
19682 et seq. and Title 2, California Code of
Regulations, section 56 et seq.

NONE

### F. PENDING BOARD REVIEW

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

DORYANNA ANDERSON-JOHNSON, CASE NO.00-1687 Appeal from denial of reasonable accommodation Correctional Lieutenant California Rehabilitation Center - Norco Department of Corrections NO ACTION

ROSIE L. DASHIELL, CASE NO. 03-2279 Appeal from dismissal Public Safety Dispatcher I California Highway Patrol NO ACTION

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RANDALL DODSON, Case No. 03-1587 Appeal from non-punitive termination Caltrans Equipment Operator I Department of Transportation NO ACTION

RAYMOND ERNANDEZ, CASE NO. 01-4251
Appeal from five-percent reduction in salary for six months
Correctional Officer
California Institution for Men - Chino Department of Corrections
NO ACTION

KEVIN FRAZIER, CASE NO. 03-0736
Appeal from a one-step reduction in salary for six months
Correctional Officer
California State Prison, San Quentin
Department of Corrections
NO ACTION

FRANK GARCIA, CASE NO. 03-1906 Appeal from Dismissal Caltrans Highway Maintenance Worker Department of Transportation NO ACTION

DONALD HERMANS, CASE NO. 03-0384 Appeal from dismissal Correctional Officer California State Prison - Lancaster Department of Corrections NO ACTION

### THEODORE HUGHING

Appeal from Medical Termination/Demotion/Transfer Food Service Supervisor I
Department of Developmental Services
NO ACTION

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Appeal from demotion Staff Services Manager I to the position of Associate Health Program Advisor (top step) Department of Health Services NO ACTION:

CONNIE JOHNSON, CASE NO. 03-2620 Appeal from 30 calendar days suspension Employment Program Representative Employment Development Department NO ACTION

MAMIE JONES, CASE NO. 02-4441
Appeal from ten-percent reduction in Salary for five months
Dispatcher Clerk
Department of Transportation
NO ACTION

PAUL H. KEMP, Case No. 01-2841 Appeal from dismissal Teacher Assistant - Youth Correctional Reception Center and Clinic - Sacramento Department of the Youth Authority NO ACTION

NEIL MADDEN, CASE NO. 03- 1682
Appeal from five percent reduction
in salary for three months
Correctional Officer
Centinela State Prison - Imperial
Department of Corrections at Imperial
NO ACTION

DONNA MARTINEZ, CASE NO. 03-2232 Appeal from dismissal Material & Stores Supervisor I Central California Women's Facility, Department of Corrections NO ACTION

CHRISTOPHER MIRAMONTES, CASE NO. 03-2299
Appeal from five-percent reduction in salary for six months
Special Agent
Department of Corrections
NO ACTION
NANCY SEARS, CASE NO. 02-2444

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Appeal from two-step reduction in salary for 12 months and transfer/reassignment
Parole Agent I (Adult Parole)
Department of Corrections - Sacramento NO ACTION

ELANGOVAN SITTRAMBARAM, CASE NO. 03-2401 Appeal from suspension for six-months Student Administration Technical Programmer/Analyst California State University - Long Beach NO ACTION

NANCY VALENTINO, Case No. 03-0699 Appeal from dismissal Psychiatric Technician Department of Developmental Services NO ACTION

PHUONG VU, CASE NO. 03-1145 Appeal from dismissal Transportation Engineer (Civil) Department of Transportation NO ACTION

BOBBY WANG, CASE NO. 02-2684 Appeal from dismissal Motor Vehicle Field Representative Department of Motor Vehicles NO ACTION

BEVERLY WILSON, CASE NO. 03-1150R Appeal from dismissal Administrative Support Assistant II California State University Department of Transportation NO ACTION

16. RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE SECTION 18671.1 EXTENSION (See Minutes Pages 23-24)

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### A. WITHHOLD APPEALS

On February 10, 2004, the Board adopted the following decisions presented by Laura Aguilera, Interim Executive Officer, California State Personnel Board. VOTE: Alvarado, Sheehan, Tom - Aye

MARNIE BOWRING, CASE NO. 03-1044 Classification: Correctional Officer Department of Corrections ACTION: GRANTED

SEBEN CANDLER, CASE NO. 03-0858 Classification: Correctional Officer Department of Corrections

ACTION: DENIED

JAMES CHILDRESS, CASE NO. 03-1718 Classification: Correctional Officer Department of Corrections

ACTION: DENIED

BRUCE CLEMENT, CASE NO. 03-0851 Classification: Correctional Officer Department of Corrections

ACTION: DENIED

CHARLES COLLENBACK, CASE NO. 03-0859 Classification: Correctional Officer Department of Corrections

ACTION: DENIED

BRYAN CROWELL, CASE NO. 03-0304 Classification: Correctional Officer Department of Corrections

ACTION: DENIED

JOSE DIAZ, CASE NO. 03-0781

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

JULENE ELISARY, CASE NO. 03-0818 Classification: Correctional Officer Department of Corrections

Department of collect

ACTION: DENIED

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JILL GIOTTONINI, CASE NO. 03-1176 Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

JERRY OSBORNE, CASE NO. 03-1092

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

ALFRED REAMS, CASE NO. 03-0998

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

LARRY SIEGLE, CASE NO. 03-1085

Classification: Correctional Officer

Department of Corrections

ACTION: DENIED

DAVID SOARES, CASE NO. 03-0927

Classification: Correctional Officer

Department of Corrections

ACTION: GRANTED

SOLUS TERRY, CASE NO. 03-1086 Classification: Cadet, CHP California Highway Patrol

ACTION: DENIED

### B. PSYCHOLOGICAL SCREENING CASES

On February 10, 2004, the Board adopted the following decision presented by Laura Aguilera, Interim Executive Officer, California State Personnel Board.

VOTE: Alvarado, Sheehan, Tom - Aye

GABRIEL SILVA, CASE NO. 03-3640

Classification: Correctional Officer

Department of Corrections

ACTION: GRANTED

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On February 10, 2004, the Board adopted item A. This item was presented by Karen Coffee, Merit Employment and Technical Resources Division Chief, California State Personnel Board.

VOTE: Alvarado, Sheehan, Tom - Aye

A. TRANSPORTATION ENGINEERING
TECHNICIAN I AND TRANSPORTATION ENGINEERING
TECHNICIAN II

The California Department of Transportation proposes to abolish the Transportation Engineering Technician II classification and to change the class title of the Transportation Engineering Technician I classification to Transportation Engineering Technician.

- 19. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY
  - A. REQUESTS TO ESTABLISH NEW CEA POSITIONS CURRENTLY UNDER CONSIDERATION

### ASSISTANT DIRECTOR

The California State Library proposes to allocate the above position to the CEA category. The Assistant Director will serve as the manager of the California Cultural and Historical Endowment, charged with developing and administering grant programs and statewide policies.

DEPUTY DIRECTOR, EXHIBIT DEVELOPMENT
The California Science Center proposes to allocate
the above position to the CEA category. The
Deputy Director, Exhibit Development is
responsible for establishing policy relating to
the education and scientific content of all
exhibit development.

### LEGISLATIVE DIRECTOR

The Department of Insurance proposes to allocate the above position to the CEA category. The Legislative Director provides policy, advice and direction to the Insurance Commissioner, Chief Deputy Commissioner, Assistant Chief Deputy Commissioner and Executive Staff on a wide variety of issues related to the Department's legislative program.

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B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW CEA POSITIONS

DEPUTY DIRECTOR, OFFICE OF PROBLEM GAMBLING The Department of Alcohol and Drug Programs has withdrawn their request to establish the above position to the CEA category effective January 12, 2004.

MEDICAL DIRECTOR, COALINGA STATE HOSPITAL The Department of Mental Health has withdrawn their request to establish the above position to the CEA category effective January 15, 2004.

ACTION: Noted

ADJOURNMENT

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### SUBMITTED

1. TEACHER STATE HOSPITAL (SEVERELY), ETC. Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002).

NO ACTION

2. VOCATIONAL INSTRUCTOR (SAFETY) (VARIOUS SPECIALTIES).

Departments of Mental Health and Developmental Services.

(Hearing held December 3, 2002).

NO ACTION

3. TELEVISION SPECIALIST (SAFETY)

The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003).

NO ACTION

4. PSC NO. 03-04

Appeal of the California Department of Education and McGeorge School of Law from the Executive Officer's April 30, 2003, disapproval of a contract for special education mediation conferences and due process hearings. (Hearing held October 7, 2003).

NO ACTION

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### NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

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Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

### GOVERNMENT CODE § 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

\* \* \* \* \*

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I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting on February 10, 2004.

VOTE: Alvarado, Sheehan, Tom - Aye.

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LAURA AGUILERA Interim Executive Officer California State Personnel Board